

REMARKS

In response to the above-noted Office Action, Applicant has (1) amended Claim 15 to correct a minor typographical error noted by the Applicant, (2) amended the Specification as required by 37 CFR 1.77(b), (3) included an abstract of the disclosure as required by 37 CFR 1.72(b), and (4) submits the attached Information Disclosure Statement (IDS) listing all references previously listed in the specification and Search Report for consideration by the Office in accordance with 37 CFR 1.98, 37 CFR 1.98(a)(2), and 37 CFR 1.98(a)(1) and (b) and MPEP 609.04(a).

Applicant requests reconsideration of the application in view of the following remarks.

It is asserted in the Office Action that Claims 1-15 have been Rejected Under 35 USC 102(c) as being anticipated by Baldino (US 7,007,243).

In response, Baldino describes a system in which image capture location icons are visually embedded in digital images. However, it discloses only a conventional GPS geo-tagging approach, in which a position fix is calculated at the time of image capture. See, for example, column 4, lines 4-8.

The present invention discloses and claims a method of appending a position stamp to an image file. Also disclosed and claimed is a digital camera and a computer with this functionality. The invention operates to sample received GPS signals when an image or video is captured and stores the samples. These stored samples are later processed to calculate a position fix and this position is appended to the image file. The advantage of this invention compared to

conventional photo geo-tagging methods is that, since the processing is carried out later, the computational burden at the time of image-capture is reduced and it is not necessary to have a “full” GPS receiver integrated in (or associated with) the camera or other image capture device.

In response to the Examiner’s rejection of Claims 1-15 under 35USC 102(c) as being anticipated by Baldino (US 7,007,243), Applicant strongly disagrees.

At part 7 of the Action, in relation to claim 1, the Examiner suggests that at col.4 lines 4-10 Baldino discloses “sampling received GPS signals and storing those GPS signal samples with an indication of the image file...”. In fact, the cited lines describe adding location information to the image data in an image file. This location information is provided to the processor by a GPS receiver, which is clearly indicated (at col.4 lines 1-4) to supply “precise latitude and longitude information”. Baldino therefore clearly teaches the conventional GPS approach, which does not include the feature recited in claim 1 of storing GPS signal samples. Since Baldino does not disclose storing GPS signal samples, it cannot and does not either disclose “subsequently processing the GPS signal samples to obtain a position fix”, as also required by claim 1. The lines cited by the Examiner as disclosing this feature (col.4 lines 11-45) in fact describe choosing a pre-existing location icon from a library, in dependence on GPS location information already stored in the image file.

The novel features identified above give the invention of claim 1 the advantages described at p.1, line 26 – p.2, line 2 of the application as filed. Namely, the GPS signal samples can be processed at leisure. This allows intensive computation to be delayed until, for example, greater processing resources are available. It also allows power consumption (and thus battery life of the camera) to be maximised, by not performing the processing in the camera, or by

delaying processing until the camera is connected to a power outlet. Applicants therefore respectfully submit that claim 1 is inventive over Baldino.

Applicant notes that the Examiner's rejection of dependent claim 2 is equally erroneous. The Examiner asserts that col. 4 lines 4-21 of Baldino disclose the feature that the step (ii) of "subsequently processing the GPS signal samples to obtain a position fix..." is carried out after an intentional delay has elapsed after the step (i) of creating an image file, sampling received GPS signals and storing those GPS signal samples. In fact, these lines describe adding location information to an image file, storing the image file in a memory card and transferring the image file to a display circuit via a card reader. As noted above, the GPS signal samples are not stored according to Baldino – they are processed immediately as they are captured, to derive "precise latitude and longitude information". Thus the processing of the GPS samples cannot be carried out after an intentional delay has elapsed following sampling and storage.

For now, applicants refrain from additional argument relating to dependent claims 3 to 6, which contain further novel and inventive features not disclosed in Baldino, since these claims are in any case novel and inventive by virtue of the reasons discussed above in view of their dependence on Claim 1.

Apparatus claims 7 and 15 are directed to subject matter equivalent to method claim 1. They are correspondingly novel and inventive for the reasons discussed above. Claims 8 to 14 are novel and inventive at least by virtue of their dependency on claim 7. Furthermore, claim 9 corresponds to the features of claim 2, which is separately patentably distinguishable for the reasons already discussed above.

Accordingly, reconsideration and withdrawal of the rejections to Claims 1-15 under 35 USC 102(c) as being anticipated by Baldino, is respectfully requested.

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-15, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

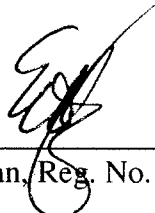
PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Final Office Action mailed on June 2, 2008, Applicant respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to October 2, 2008. The amount of \$120 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) large entity will be charged to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

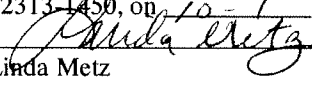
Dated: 10/1, 2008


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I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on 10-1, 2008.


Linda Metz

OCTOBER 1, 2008